

**ORDINANCE NO.: 2015-19**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, DELEGATING THE AUTHORITY TO ACT IN THE CAPACITY OF CERTIFYING OFFICER, AS THAT TERM IS DEFINED BY 24 C.F.R. §58.2(a)(2), AND RESPONSIBLE FEDERAL OFFICIAL, AS THAT TERM IS USED IN §102 OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA), AS AMENDED, AND AS USED IN ALL OTHER APPLICABLE FEDERAL STATUTES AND AUTHORITIES THAT ALLOW RESPONSIBLE ENTITIES RECEIVING FEDERAL FUNDS FOR SPECIFIC FEDERAL GRANT PROGRAMS TO ASSUME THE OBLIGATIONS FOR ENVIRONMENTAL REVIEW, DECISION-MAKING AND ACTION, OTHERWISE APPLICABLE TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), ON BEHALF OF THE CITY OF HIALEAH, TO THE DIRECTOR OF GRANTS AND HUMAN SERVICES DEPARTMENT, IN THE MAYOR'S STEAD DURING THE MAYOR'S ABSENCE, AS HIS DESIGNEE, WHICH AUTHORITY AND RESPONSIBILITY TO ACT SHALL INCLUDE CARRYING OUT AND CERTIFYING COMPLIANCE WITH THE PROVISIONS OF NEPA, AS AMENDED, ITS RELATED FEDERAL REGULATIONS, 24 C.F.R. PART 58, INCLUDING ALL FEDERAL AUTHORITIES LISTED IN 24 C.F.R §58.5, EXECUTING REQUESTS AND CERTIFICATIONS FOR RELEASE OF FUNDS, AND CONCEDING TO THE JURISDICTION OF AND REPRESENTING THE CITY OF HIALEAH BEFORE FEDERAL COURTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, in order to receive federal assistance from the U.S. Department of Housing and Urban Development (HUD) for programs and projects specifically identified

by federal statute the City of Hialeah must assume the responsibility for environmental review, decision-making and action which would otherwise apply to HUD;

**WHEREAS**, in assuming environmental review responsibilities, the City must certify compliance with the National Environmental Policy Act of 1969, as amended, (NEPA), NEPA's implementing regulations contained in 40 C.F.R. parts 1500 through 1508, 24 C.F.R. part 58, including all federal authorities identified in 24 C.F.R. §58.5 and all related federal regulations promulgated thereunder;

**WHEREAS**, the City must also consider the criteria, standards, policies and regulations of these laws and authorities;

**WHEREAS**, the Mayor, is the certifying officer and the responsible federal officer for certifying compliance with and carrying out the City's obligations as described above, including representing the City before federal courts and ensuring that the City reviews and comments on all Environmental Impact Statements prepared for the City's federally funded programs and projects;

**WHEREAS**, the Mayor, as the certifying officer, is also responsible for executing all federal grant agreements and Requests and Certifications for Release of Funds; and

**WHEREAS**, due to the demands of the office of the Mayor, there are circumstances which may cause his unforeseen absence or unavailability to carry out these obligations on behalf of the City;

**WHEREAS**, the Mayor's obligations as the certifying officer are comparable to the obligations of the City's Director of Grants and Human Services Department who is charged with the obligation to administer all federal grants pursuant to Section 2-327 of the Code of Ordinances;

**WHEREAS**, the Department of Grants and Human Services, as managed by the Director, has the technical and administrative capability necessary to comply with the statutory requirements and obligations assumed by the City; and

**WHEREAS**, in order to avoid any prejudice to the continued and uninterrupted availability, operation or funding of its federal programs and projects for which the City has assumed the obligations described herein, and in order to carry out these obligations competently, faithfully and timely, it is in the best interest of the City to delegate the authority to act as the certifying officer to the Director of Grants and Human Services only when the Mayor is unavailable to act in such capacity.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1.** The Mayor and the City Council of the City of Hialeah, Florida hereby delegates the authority to act in the capacity of certifying officer, as that term is defined by 24 C.F.R. §58.2(a)(2), and responsible federal official, as that term is used in §102 of the National Environmental Policy Act of 1969 (NEPA), as amended, and as used in all other applicable federal statutes and authorities that allow responsible entities receiving federal funds for specific federal grant programs to assume the obligations for environmental review, decision-making and action, otherwise applicable to the U.S. Department of Housing and Urban Development (HUD), on behalf of the City of Hialeah, to the Director of Grants and Human Services Department, in the Mayor's stead during the Mayor's absence, as his designee, which authority and responsibility to act shall include carrying out and certifying compliance with the provisions of NEPA, as amended, its related federal regulations, 24 C.F.R. Part 58, including all federal authorities listed in 24 C.F.R. §58.5, executing requests and certifications for release of funds, and conceding to the jurisdiction of and representing the City of Hialeah before federal courts.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

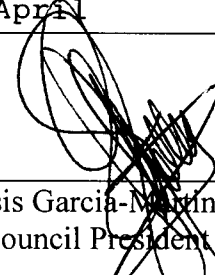
**Section 3: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 4:    Effective Date.**

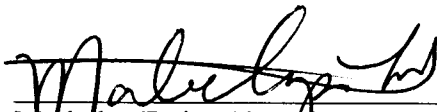
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.


PASSED AND ADOPTED this 28 day of April, 2015.

  
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Isis Garcia-Martinez  
Council President

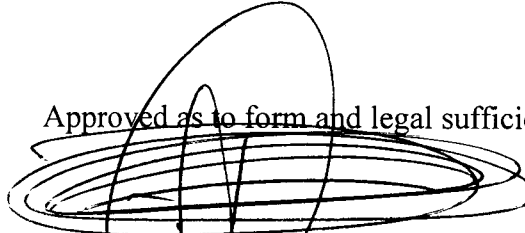
Attest:

Approved on this 26 day of may, 2015.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

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Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".